

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

Carline Vilbon  
Plaintiff(s)

v.

C.A. No. 1:21-CV-00267-MSM-LDA

The Department of Children, Youth and  
Families; The Lifespan Facilities and The  
Rumford House Group Home  
Defendant(s)

**RESPONDENTS, THE LIFESPAN FACILITIES' AND THE RUMFORD HOUSE'S,  
RESPONSE TO THE PETITION, SUPPLEMENTING ANY RESPONSE BY THE  
RHODE ISLAND ATTORNEY GENERAL**

Respondents, The Lifespan Facilities and The Rumford House (“Respondents”), file this response to Petitioner, Carline Vilbon’s (“Petitioner”), Application for a Writ of Habeas Corpus to supplement the response of the Rhode Island Attorney General, which was ordered to be submitted to this Court by September 20, 2021. See the Court Order issued in this case on August 20, 2021. The Order did not require a response from these Petitioners. These Petitioners believe, however, that updated information from them may be helpful to the Court.

Respondents submit an Affidavit of the Director of the Rumford House, in East Providence, Rhode Island (“Rumford House”), Arthur Mercurio – *Attached as Exhibit A (“Affidavit”)*. The Affidavit indicates that Petitioner’s son, Altamir Vilbon (“Mr. Vilbon”), does now reside at the Rumford House, in East Providence, Rhode Island, and is currently under the care and supervision of Rumford House staff. *Id.* As further indicated in the Affidavit, Mr. Vilbon was placed at Rumford House by the Rhode Island Department of Children, Youth and Families (“DCYF”), which agency has custody of Mr. Vilbon by and through an Order of the

Rhode Island Family Court. *Id.* Copies of the DCYF placement letter and the Family Court Order remanding Mr. Vilbon to the Custody of DCYF are attached to the Affidavit.

The Affidavit explains that Rumford House is a residential service provider for men and boys with mild to moderate intellectual disabilities and behavior disorders. *Id.* Rumford House is affiliated with the Bradley Hospital Center for Autism and Developmental Disabilities. *Id.* It is accredited by The Joint Commission. *Id.* Importantly, periodic review of Mr. Vilbon's status and placement at the Rumford House occurs in the Rhode Island Family Court as coordinated by DCYF. *Id.*

The Affidavit goes on to state that, there has been no change in status regarding Mr. Vilbon's residency at the Rumford House since November of 2020. *Id.* Finally, the Affidavit states that If Mr. Vilbon is required to appear in Court, transportation and staff-accompaniment of Mr. Vilbon would be needed for safety reasons. *Id.*

It is well settled that under 28 U.S.C.A. 2254, "State Custody; remedies in Federal Courts", that an application for a writ of habeas corpus on behalf of a person in State custody pursuant to a judgment of a State court order shall not be granted unless it appears that "the applicant has exhausted the remedies available in the courts of the State". 28 U.S.C.A. 2254(b)(1)(A); *see also English v. A.T. Watt, et al.*, 2011 WL 4381732 (R.I. Dist. 2001); *Martens v. Shannon*, 836 F.2d 715, 717 (1st Cir. 1988) (Failure to exhaust ordinarily is "fatal" to the prosecution of a habeas petition.); *Jackson v. Coalter*, 337 F.3d 74, 85–86 (1st Cir. 2003). ("[A] habeas petitioner bears a heavy burden to show that he fairly and recognizably presented to the state courts the factual and legal bases of his federal claim." (quoting *Adelson v. DiPaola*, 131 F.3d 259, 262 (1st Cir.1997))). Additionally, an application may be denied on the merits if the

applicant fails to show that the person is in custody in violation of the Constitution or laws or treaties of the United States. 28 U.S.C.A. 2254(a).

In this case, it is undisputed that Mr. Vilbon is in DCYF custody pursuant to a valid Rhode Island Family Court order and that his status is continually monitored by the Family Court. Further, it is clear that Mr. Vilbon is currently placed at a reputable and accredited residential services facility for individuals with mental health and/or behavioral issues. It would follow that any issue Petitioner believes to exist should be addressed with the Rhode Island Family Court. Further Petitioner failed to show, as is her burden, that any and all possible State Court options, appeals, and/or procedures, that could address her concerns have been properly pursued and exhausted. *Jackson v. Coalter*, 337 F.3d 74, 85–86.

In addition, Petitioner's application for a writ of habeas corpus simply does not allege any cognizable violation of the Constitution or the laws or treaties of the United States related to the custody of Mr. Vilbon. Rather, the facts of the matter show the exact opposite. Mr. Vilbon was legally placed in the custody of DCYF by the Rhode Island Family Court. He was then placed in the Rumford House by DCYF. He also benefits from periodic review of his status and the custody order by the Family Court. Therefore, Mr. Vilbon was legally placed and has recourse to have his placement reviewed by the Family Court. There is simply no violation that would merit a writ of habeas corpus. Furthermore, legitimate state recourses remain available for review of Mr. Vilbon's custody.

Petitioner has failed to meet the standards set forth for relief under 28 U.S.C.A. 2254 and the application for habeas corpus should be dismissed.

The Lifespan Facilities and The Rumford  
House,

By Their Attorney(s),

/s/ John D. Plummer

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**CERTIFICATION**

I hereby certify that, on the 16<sup>th</sup> day of September, 2021,

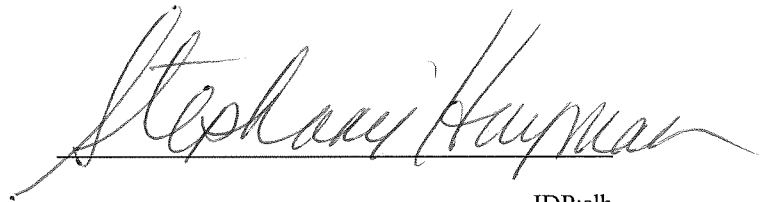
☒ I served this document through the electronic filing system on the following parties:

Carline Vilbon  
74 Prince Street  
Pawtucket, Rhode Island 02860

The document electronically served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

☒ I caused this document to be ☒ mailed and ☒ emailed to the attorney for the opposing party (and/or the opposing party if self-represented) whose name(s) and address(es) are as follows:

Carline Vilbon  
74 Prince Street  
Pawtucket, Rhode Island 02860  
vilbonc@yahoo.com

A handwritten signature in cursive script, reading "Stephanie Hayman", written over a horizontal line.

JDP:slh  
40-1057  
(3733547)